

Order

Michigan Supreme Court
Lansing, Michigan

January 20, 2006

Clifford W. Taylor,
Chief Justice

126997

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

RALPH KROCHMAL,
Plaintiff-Appellee,

v

SC: 126997
COA: 242776
Wayne CC: 00-004378-CK

PAUL REVERE LIFE INSURANCE COMPANY,
Defendant-Appellant.

On December 14, 2005, the Court heard oral argument on the application for leave to appeal the May 20, 2004 judgment of the Court of Appeals. On order of the Court, the application for leave to appeal is again considered and, pursuant to MCR 7.302(G)(1), we VACATE the judgment of the Court of Appeals because we do not agree that *Perez v Aetna Life Insurance Company*, 150 F3d 550 (CA 6, 1998), to the extent that the Court of Appeals relied on that decision, states the relevant Michigan common law legal standard, and we AFFIRM the Wayne Circuit Court's judgment of an award of disability benefits.

CAVANAGH, J., concurs and states as follows:

I concur with the order vacating the judgment of the Court of Appeals because it will also disavow the proposition that the phrase "satisfactory written proof of loss" is all that is needed to vest an insurer with complete discretionary authority.

KELLY, J., concurs and states as follows:

I concur with Justice Cavanagh's statement. I agree with the vacation of the judgment of the Court of Appeals for the additional reason that, in vacating, we make clear that the determination of an insurance company is reviewed by a court using a de novo standard.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 20, 2006

Corbin R. Davis

Clerk